



W.P.(MD).No.22681 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.22681 of 2019

N.Vasi

... Petitioner

Vs.

- 1.The Secretary to Government,
Health and Family Welfare
Department,
Fort St. George, Chennai.
- 2.The Director,
Directorate of Public Health and
Preventive Medicine,
Teynampet, Chennai-6.
- 3.The Medical Officer,
Government Primary Health Centre,
Thottappanaickanur Post,
Usilampatti Taluk,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to pay the petitioner a compensation amount of Rs.10,00,000/- for the death of the petitioner's wife due to Medical negligence of the doctors in the 3rd respondent hospital.



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For Petitioner : Mr.R.Rajaraman

For Respondents : Mr.T.Amjad Khan,
Government Advocate

ORDER

The prayer in the writ petition reads as follows:

“This writ petition has been filed to direct the respondents to pay the petitioner a compensation amount of Rs.10,00,000/- for the death of the petitioner's wife due to Medical negligence of the doctors in the 3rd respondent hospital.”

2. Heard, Mr.R.Rajaraman, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents and carefully perused the materials available on record.

3. The petitioner's wife, one Vijaya, was admitted in the 3rd respondent hospital for delivery on 19.10.2011. After discharge from hospital on 24.10.2011, on 29.10.2011, his wife fell unconscious and was further taken to Usilampatti Government Hospital for treatment, from where she was referred to Madurai, Rajaji Hospital and she passed away on 05.11.2011. On the guise that the aforesaid death had happened due to the negligence of the 3rd respondent hospital, a criminal case in Crime No.222 of 2011 under



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Section 175 IPC came to be registered by Usilampatti police. Thereafter, the petitioner made a representation to the respondents 1 and 2 on 26.09.2019 claiming a compensation of Rs.10,00,000/- for medical negligence for the death of his wife from the doctors in the 3rd respondent hospital while performing family planning operation. Since the same was not considered by the respondents, this writ petition came to be filed.

4. The learned Government Advocate, Mr.T.Amjad Khan submitted that suppressing the fact that the petitioner's claim / representation was considered and an amount of Rs.2,00,000/- (Rupees Two Lakhs only) has already been disbursed as compensation which was duly acknowledged by the petitioner on 15.03.2012, this writ petition is filed. He also circulated a copy of the same for my perusal. He also categorically submitted that G.O.Ms.No.119, Health and Family Welfare R1 dated 30.05.2013 has provided guidelines as to the coverage for grant of compensation with respect to solatium under the family planning indemnity scheme, in case of failure of sterilization cases. The solatium provided by the aforesaid G.O. is Rs.2,00,000/- (Rupees Two Lakhs only) and the said amount has already been disbursed to the petitioner. I carefully perused the records available and also the documents placed before me by the learned Government



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Advocate. Considering the fact that the compensation of Rs.2,00,000/- has already been received by the petitioner for the death of his wife which has been paid as solatium under the family planning indemnity scheme nothing survives in this writ petition.

5. IHence, this writ petition is dismissed. No costs.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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L.VICTORIA GOWRI, J.

Sml

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